

REMARKS/ARGUMENTS

Applicant would like to thank the Examiner for the careful consideration given the present application. Reconsideration of the subject patent application in view of the present remarks is respectfully requested.

Claims 1, 31, 38, 50-51 and 53-54 are amended.

Claims 4-9, 30, 37, 39-44 and 46-49 are withdrawn.

Claims 20 and 45 have previously been canceled.

Claim 10 has currently been cancelled.

Claim Objections

Claim 31 is objected to because of the informalities. Claim 31 has been amended to correct the informalities. Thus, the objection as it applies to claim 31 should be withdrawn.

Claim Rejections - 35 USC § 112

Claims 1-3, 12-17, 19, 21-29, 36 and 38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 has been amended to add the phrase "greater than 0 mm and" to the phrase "comprising ... having a thickness of 1 mm or less". Thus, the rejection as it applies to claims 1-3, 12-17, 19, 21-29, 36 and 38 should be withdrawn.

Claim Rejections - 35 USC § 102/103

Claims 1-3, 12-17, 19, 21-29, 36, 38, 50-52 and 54 are rejected under 35 U.S.C. 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as being obvious over Hardy (US 5,514,312; hereinafter "Hardy ('312)") in view of Procida et al. (US 2001/0021426; hereinafter "Procida ('426)"). Applicants respectfully request withdrawal of the rejection for at least the following reasons.

Regarding the amended claim 1, neither Hardy ('312) nor Procida ('426), alone or in combination, discloses, teaches or renders foreseeable that said polymer layer being bonded to said film layer via one or more bondings selected from the group of chemical bondings and physical bondings, wherein said armouring layers are bonded to neither said polymer layer nor said film layer, and said armouring layers are not bonded to each other.

The Office action states that Hardy ('312) discloses pipe #11 with multiple plastic and metal reinforcement layers 12-17 bonded to each other and usable for sub-sea drilling. However, Hardy ('312) is silent about whether any of the layers 12-17 are bonded to each other or not. The claimed invention requires that the polymer layer is bonded to the film layer via one or more bondings selected from the group of chemical bondings and physical bondings, while the armouring layers are not bonded to any layers in the pipe. There is no disclosure in Hardy ('312) that the polymer layer is bonded to the film layer via the above bondings and the armouring layers are not bonded to any layers in the pipe. Hardy ('312) merely discloses several layers 12-17, but fails to disclose the bonding status of the layers 12-17.

The examiner also argues that the claims do not identify how the layers are bonded to each other and that nothing defines the bonding as chemical or mechanical bonding. Claim 1 has been amended to include a limitation "via one or more bondings selected from the group of

chemical bondings and physical bondings”. According to this amendment, the claims clearly identify how the layers are bonded to each other.

Also, Procida ('426) is silent about whether any of the layers 2-7 of Procida ('426) are bonded or not. As discussed above, the claimed invention requires that the polymer layer is bonded to the film layer via one or more bondings selected from the group of chemical bondings and physical bondings, while the armouring layers are not bonded to any layers in the pipe. There is no disclosure in Procida ('426) that the polymer layer is bonded to the film layer via the above bondings and the armouring layers are not bonded to any layers in the pipe. Procida ('426) merely discloses several layers 2-7, but fails to disclose the bonding status of the layers 2-7. Procida ('426) is merely cited for the thickness of the film layer in the Office action.

In addition, the Office action states that Procida ('426) teaches flexible, unbonded pipe for offshore/gas fields having films with a thickness being approximately 2 mm. The claimed invention requires at least one film layer having a thickness of greater than 0 mm and 1 mm or less. A thickness being approximately 2 mm is outside of the thickness range (greater than 0 mm and 1 mm or less) of the film layer in the amended claim 1. A person having ordinary skill in the art would not interpret a film layer that is approximately 2 mm to include a layer having a thickness of greater than 0 mm and 1 mm or less, since 2 mm is twice as thick as 1 mm.

Accordingly, the combination of Hardy ('312) and Procida ('426) does not meet all of the limitations of claim 1. Therefore, the asserted combination of Hardy ('312) and Procida ('426) does not render claim 1 obvious. Thus, withdrawal of the rejection as it applies to claim 1 is respectfully requested.

Similar arguments apply to the amended independent claims 50-51 and 53-54.

Claims 2-3, 11-19, 21-29, 31-36 and 38 which are directly or indirectly dependent from claim 1 should be allowable for at least the same reason as claim 1.

Claim 52 which is dependent from claim 50 should be allowable for at least the same reason as claim 50.

In consideration of the foregoing analysis, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. NKTR-46238.

Respectfully submitted,

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